

**ORIGINAL  
RECEIVED**Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

OCT - 7 2002

In the Matter of )

) Amendment of Section 73.202(b)  
) Table of Allotments  
) FM Broadcast Stations  
) (Sells, Arizona)  
)

MB Docket No. \_\_\_\_\_

RM No. \_\_\_\_\_

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYTo: Assistant Chief, Audio Division  
Media Bureau**SUPPLEMENT TO PETITION FOR RULE MAKING**

Rural Pima Broadcasting ("Petitioner"), by its counsel, hereby submits this further Supplement to the Petition for Rule Making it filed on March 27, 2002, which proposed an amendment to the FM Table of Allotments to add Channel 285A at Sells, Arizona (the "Petition"). This Supplement corrects the reference coordinates for the proposed allotment to Sells.<sup>1</sup>

1. Channel 285A can be allotted to Sells, Arizona at coordinates 31-49-44 North Latitude, 111-53-28 West Longitude in compliance with the Commission's rules and policies. The accompanying Engineering Exhibit shows that the allotment can be made in compliance with all relevant spacing rules, and that the station would provide a city grade signal to the entire community of license.

2. As noted in the Petition, Sells satisfies the Commission's definition of community for allotment purposes. Sells is listed in the 2000 U.S. Census as a Census Designated Place with a population of 2,799, and Sells is the home to many businesses and churches.

**Mexican Border Concerns**

3. The proposed allotment to Sells at these coordinates meets all domestic spacing requirements, but is short-spaced to Station XHNI(FM), Channel 286B, Nogales, Mexico. See Engineering Exhibit 1 (Spacing Study). Petitioner respectfully requests a specially negotiated, limited allotment in accordance with the 1992 U.S.-Mexico FM Broadcast Agreement, and is aware that formal

<sup>1</sup> The change in reference coordinates is necessary because terrain obstruction prevented 70 dBu coverage of the entire area of Sells from the coordinates previously proposed by Petitioner.

List ABCDE

No. of Copies rec'd 044

concurrence from the Mexican government is required before facilities at the proposed allotment in Sells could become operational. However, the need for Mexican concurrence should not delay the allotment of this new channel to Sells. See *Huachuca City, AZ; Rio Rico, AZ and Pine Level, AL*, DA 01-690, released March 16, 2001.

4. Section 73.207(b)(3) requires that a Class AA (a domestic Class A at 6 kw) be separated from an adjacent channel Mexican Class B station by at least 125 km. However, a distance of only 105 km is required between a 3kw Class A and an adjacent channel Class B facility.

5. The attached spacing study shows that the proposed Sells site is 105 km from the XHNI site.<sup>2</sup> Petitioner proposes to reduce power to a maximum of 3 kw at 100 meters in the direction of Station XHNI, so that the station will operate as a Class A (as opposed to a Class AA) in the direction of Station XHNI. Thus, only a 105 km spacing is necessary, and Petitioner's proposal satisfies that requirement.

#### Community of License Coverage

6. The specified reference coordinates afford line-of-sight service to much of the community of Sells. See Engineering Exhibit 3 (Line of Sight Study). From those coordinates, the station would place a hypothetical 70 dBu contour over the entire community of Sells. See Engineering Exhibit, Figure 2 (City Grade Contours). Due to the extremely rugged terrain, there are portions of the community that do not have clear line-of-sight from the transmitter. However, since there are no major terrain obstructions in the path, the signal is not blocked, but merely attenuated. Even so, the allotment provides the requisite coverage over the community of license. As Figure 2 demonstrates, the station places a 70 dBu F(50, 50) signal over the entire community using the FCC's standard prediction method. Moreover, as also plotted on Figure 2, the Longley-Rice prediction method (also known as Tech Note 101), which takes into account the effect of the terrain on signal propagation, shows that a 75 dBu signal is provided to 100 percent of the community of Sells. Thus,

---

<sup>2</sup> The actual distance is 104.54 km, which is rounded to 105 km.

even assuming a 5 dB degradation in the signal due to ground clutter, the entire community of Sells will enjoy 70 dBu service from the proposed reference coordinates.

7. The Commission recently granted an allotment to Jackson, Kentucky under virtually identical circumstances. See *Jackson and Salyersville, Kentucky*, 17 FCC Rcd 4662 (2002). There, as here, due to rugged terrain, line-of-sight service could not be provided to all of the community. *Id.* at ¶4. Just as here, using both the FCC standard prediction method and the Longley-Rice method, the 70 dBu contour extended beyond the community boundaries. *Id.* Thus, despite the rugged terrain, 70 dBu service could be provided to the entire community. *Id.* at ¶ 5. The policy set forth in that case is not limited in application to existing stations. It has also been applied in proceedings involving new allotments. See *Madison, Indiana*, 14 FCC Rcd 9518 (1999). The policy governing the *Jackson and Salyersville* and *Madison* cases holds here as well. The Commission can further the public interest in bringing local service to mountainous communities by ensuring that despite the rugged terrain, 70 dBu service is provided to the entire community.

8. Petitioner restates its intention to file an application for Channel 285A in Sells, Arizona and, if its application is granted, construct the facility as authorized when the Commission grants its Petition.

WHEREFORE, Petitioner respectfully requests that its Petition be granted and Channel 285A be allotted to Sells, Arizona.

Respectfully submitted,  
RURAL PIMA BROADCASTING

By: 

Scott C. Cinnamon  
Law Offices of Scott C. Cinnamon, PLLC  
1090 Vermont Ave., NW  
Suite 800, # 144  
Washington, D.C. 20005  
(202) 216-5798

Its Counsel

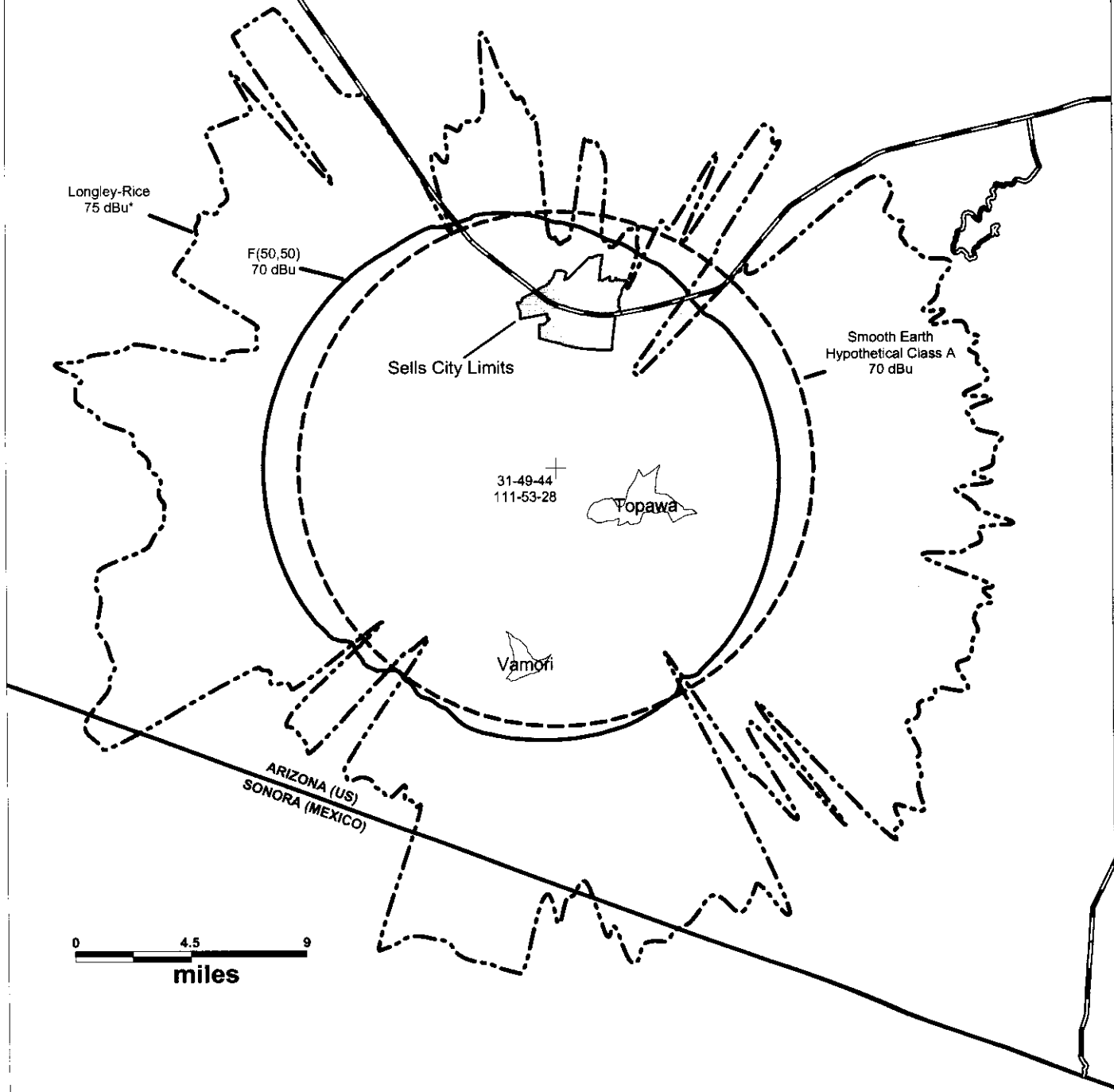
October 7, 2002

Channel 285A  
Sells, Arizona

Spacing Study

REFERENCE							DISPLAY DATES
31 49 44 N			CLASS = A				DATA 09-10-02
111 53 28 W			Current	Spacings			SEARCH 09-23-02
----- Channel 285 - 104.9 MHz -----							
Call	Channel	Location		Dist	Azi	FCC	Margin
-----							
XHNIFM OPE	286B	Nogales	SO	104.54	121.7	105.0	-0.46
ALLO	286	Nogales	SO	105.37	121.5	105.0	0.37
KZZP LIC	284C	Mesa	AZ	167.71	354.7	165.0	2.71
ALLO	282	Sonoita	SO	83.57	273.0	65.0	18.57
ALLO	285	Puerto Lobos	SO	195.20	207.4	163.0	32.20
ALLO	282	Nogales	SO	105.37	121.5	65.0	40.37
-----							

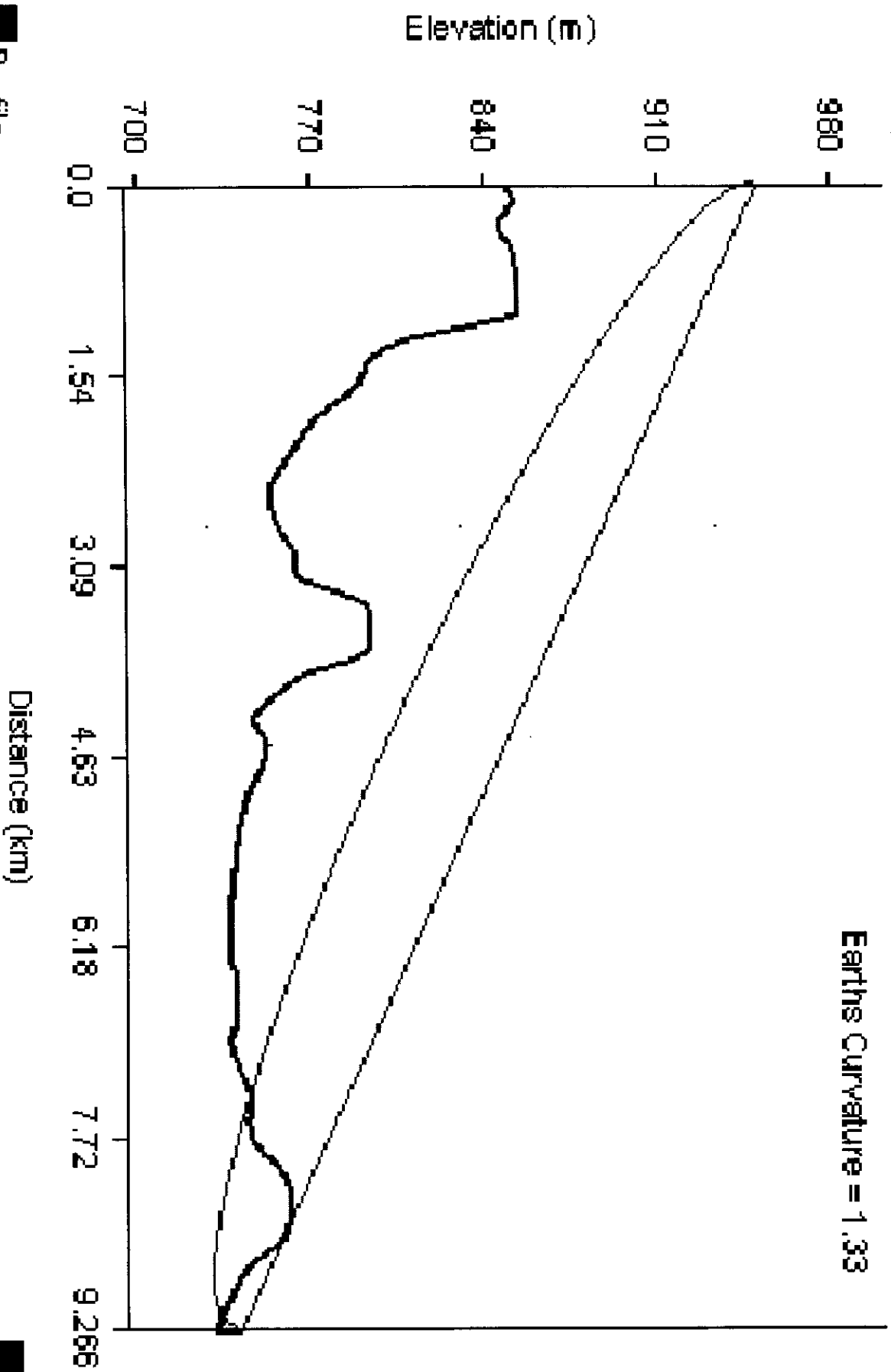
Note: The Longley-Rice contour assumes a clutter factor of 5 dB. Hence, the 75 dBu contour is shown. It continues to cover 100% of Sells, AZ.



**Channel 285A, Sells, Arizona**  
**City-Grade Contours**  
Site Elevation = 908.3 meters MSL  
Antenna Height = 100 meters AGL  
ERP = 0.73 kW

Figure 2

Earth's Curvature = 1.33



Profile

Exhibit 3

Fresnel